



February 2, 2015

Mr. Robert "Doc" Hansen
Planning Official
Kittitas County Community Development Services Department
411 N Ruby Street, Suite 2
Ellensburg WA 98926

**Re: *Black Horse at Whiskey Creek Subdivision
Appearance of Fairness, RCW 42.36.060: Request for Disclosures of Ex-Parte
Communication***

Dear Mr. Hansen,

D R Horton hereby provides you with this disclosure of communication under RCW 42.36.060 and requests disclosure of any other communications pursuant to the Appearance of Fairness Act on the public record at the next hearing to be held for the Black Horse at Whiskey Creek Subdivision, currently scheduled for February 3, 2015. DR Horton only learned of potential communications between County Commissioner(s) and a third party, which D R Horton is concerned may violate Chapter 42.36 RCW on January 20, 2015. D R Horton provides this communication in advance of the next hearing date pursuant to RCW 42.36.080. D R Horton requests that you include this letter in the administrative record which County staff is providing to the County Commissioners. To limit any direct communication with the County Commissioners, D R Horton requests that you expeditiously forward this letter to the Commissioners at your very earliest opportunity.

D R Horton hereby discloses that on January 28, 2015 a representative of D R Horton made contact with County Commissioner Paul Jewell to ask if D R Horton could discuss items presented by staff at the January 20, 2015 closed record hearing for the Black Horse at Whiskey Creek Subdivision with the Commissioners. Commissioner Jewell responded that the closed record hearing is a quasi-judicial proceeding and therefore no Commissioner could have discussion with anyone other than staff or the other Commissioners regarding this matter. D R Horton makes this disclosure for transparency purposes. Neither that representative of DR Horton, nor any other, has had any substantive ex-parte communication with Commissioner Jewell or any other County Commissioner.

At the next public hearing, scheduled for February 3, 2015, D R Horton respectfully requests that any Commissioner who has been contacted by any individual, other than County staff, disclose the ex-parte communication(s), the individuals involved, the date of such

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communications, and their content. If those ex-parte communications were of a substantive nature such that they would violate the Commissioner's role to act in a quasi-judicial capacity, D R Horton respectfully requests that said Commissioner allow DR Horton to rebut the substance of the communication pursuant to RCW 42.36.060. If said communication would improperly prejudice the Commissioner from participating in the Black Horse at Whiskey Creek subdivision proceedings, DR Horton respectfully requests that said Commissioner recuse himself from any deliberations or action item related thereto.

Sincerely,
D R Horton



Tia Brotherton Heim
VP of Legal and Land Development

cc: Neil A Caulkins, Kittitas County Prosecutor

Lindsey Ozbolt

From: Doc Hansen
Sent: Monday, February 02, 2015 4:57 PM
To: Gary Berndt; Obie OBrien; Paul Jewell
Cc: Neil Caulkins; Lindsey Ozbolt
Subject: FW: Black Horse at Whiskey Creek - Letter re: RCW 45.36.060
Attachments: D R Horton Letter RCW 42_36_060.pdf

We received this letter today via email from DR Horton regarding Blackhorse and the hearing tomorrow. After discussing this issue with Mr. Caulkins, he has indicated that I may forward this to you for you to discuss at the hearing, or bring it up as the continuation begins to ask me or the Neil any questions. Thank you.

Robert "Doc" Hansen
Planning Official

From: Jennifer Reiner [mailto:jreiner@drhorton.com]
Sent: Monday, February 02, 2015 1:56 PM
To: Lindsey Ozbolt; Doc Hansen
Cc: Chad Bala (bala.ce@gmail.com)
Subject: Black Horse at Whiskey Creek - Letter re: RCW 45.36.060

All,

Based on our discussions with legal counsel we felt it was critical that we submit the attached letter.

Thanks.

Jennifer Reiner, P. E.
Land Entitlement Manager
D.R. Horton | *America's Builder*
Direct Line: 425-825-3186
Cell Phone: 425-691-7681
Fax: 1-866-430-7573

■ **WE HAVE MOVED!!**

Our new address is:
12910 Totem Lake Blvd. NE, Suite 220
Kirkland, WA 98034

Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14



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Sincerely,
D R Horton

A handwritten signature in black ink, appearing to read "Tia Brotherton Heim". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Tia Brotherton Heim
VP of Legal and Land Development

cc: Neil A Caulkins, Kittitas County Prosecutor